

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 19-CR-104(3) (JNE/TNL)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	DEFENDANT’S RESPONSE TO
)	GOVERNMENT’S INITIAL
v.)	SENTENCING POSITION
)	
MASON PAUL STUHLDTREHER,)	
)	
Defendant.)	

INTRODUCTION

Mason Paul Stuhldreher (Stuhldreher), by and through his attorney, Thomas R. Braun, of Restovich Braun & Associates, submits the following response to the Government’s initial sentencing position.

RELEVANT FACTS

Presentence reports (“PSR”) have been completed for Stuhldreher and has co-conspirators, Jaime Alejandro Aguirre-Rea (“Aguirre-Rea”), Matthew Joseph Hines (“Hines”), and Jake Daniel Scrabek (“Scrabek”), they have each pled to conspiracy to distribute methamphetamine, and the government has served and filed initial sentencing position pleads in for each.

JAIME ALEJANDRO AGUIRRE-REA

In their initial sentencing position pleading for Aguirre-Rea (“ISPP-AR”), the government recognizes that Aguirre-Rea was Hines’ supplier of methamphetamines in, what the government terms the “Hines Drug Trafficking Organization (DTO)”, and that Aguirre-Rea traveled from the twin cities to Rochester “on repeated occasions” to deliver drugs to Hines, and was caught on surveillance on January 14, 2019, January 25, 2019, February 1, 2019, and

February 9, 2019. ISPP-AR at 3-4. The government further stated that Aguirre-Rea “readily and regularly supplied primary distributor Matthew Hines[,]” and noted that Aguirre-Rea is an “average participant” in the conspiracy. *Id.* at 5.

The government also documented that Aguirre-Rea was charged with a first degree substance offense in late 2006, but the matter was likely dismissed because Aguirre-Rea had been deported, but that his narcotic distribution was more extensive than the Hines DTO. *Id.* at 5-6. The government acknowledges that Aguirre-Rea’s offense level is 33 and he has a criminal history score of I, calculating to a guideline imprisonment range of 135-168. The government is asking that this court impose a sentence of 168 months, or 14 years of prison for Aguirre-Rea.

MATTHEW HINES

In their initial sentencing position pleading for Hines (“ISPP-H”), the government recognizes that it was Hines “who ran the drug trafficking operation from his home” but was an “average participant.” ISPP-H at 4, 7. However, the government argues that Hines’ actions as a “mid-level drug dealer were by no measure ‘middle-of-the-road.’” *Id.* at 4.

Further, the government details Hines’ extensive criminal history, which consists of various criminal endeavors, including other significant drug crimes. *Id.* at 5. Hines’ criminal history score was found to be IV and his base offense level 36-38, calculating to a guideline imprisonment range of 292-365 months or 360 months to life. *Id.* at 1-2. The government is asking that this court impose a sentence of 328 months, or 27 years and 4 months of prison for Hines. *Id.* at 2.

JAKE SCRABEK

In their initial sentencing position pleading for Scrabek (“ISPP-S”), the government recognizes that it was Scrabek was a sub-distributor for Hines, and claiming that Scrabek

performed a lesser role compared to the other co-defendants, because he was accountable for 565 grams of drugs (actual) and 358 grams of mixed. ISPP-S at 3. The government also details Scrabek's extensive criminal history, which includes various substance-related crimes, failures to appear and probation violations. *Id.*

The government stated that Scrabek's offense level is 31 and criminal history category is VI, calculating to a guideline range of 151-188 months. *Id.* at 1. The government is asking that this court impose a sentence of 151 months, or 12 years and 7 months of prison for Scrabek, which is the low end of the guideline range. *Id.* at 1-2.

MASON STUHLDTREHER

The government seems to argue in their initial sentencing position pleading for Stuhldreher ("ISPP") that Stuhldreher's "actions were neither low-level nor small-scale[]" and that he's an "average participant" because of the "substantial portion of Hines methamphetamines" that he was provided on February 9, 2019. ISPP. at 3. The government did not detail any other drug runs that Stuhldreher participated in, or that he played any other role in the conspiracy other than as a sub-distributor. *Id.*, generally. The government did not point to any other instances that Stuhldreher participated or that he was a member of the ongoing conspiracy for any specific amount of time. *Id.* The government details Stuhldreher's criminal history, and highlights the fact that Stuhldreher fled from police, which supports a reckless endangerment enhancement in this case. *Id.* at 1, 3-4.

The government states that Stuhldreher's adjusted offense level is 35 and his criminal history category is III, calculating to a guideline range of 210 to 262 months. *Id.* at 2. The government is asking that this court impose a sentence of 236 months, or 19 years and 8 months prison for Stuhldreher. That is inequitable under the circumstances.

ARGUMENT

The government is asking that Stuhldreher spend the next 20 years of his life behind bars, when they are only asking that the supplier Aguirre-Rea, who was caught on multiple occasions delivering a significant amount of drugs, spend 14 years behind bars. Aguirre-Rea is much more culpable than Stuhldreher in this conspiracy, and it would be an injustice for Stuhldreher to spend 6 more years behind bars given his role in the conspiracy.

Likewise, the government is asking that this court impose just over 12 years on Scrabek, who, frankly, was in a similar role as Stuhldreher. Stuhldreher was not the supplier nor was he the “Hines” of the conspiracy. Stuhldreher is not attempting to minimize his role, but feels that the sentencing court should consider his role and the government’s requests, accordingly, and impose a 120 month sentence in light of the circumstances.

Dated: November 13, 2019

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